

REMARKS

Applicants respectfully request reconsideration and allowance in view of the following remarks. In the Office Action, claims 1-4 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,710,798 to Hershel et al. ("Hershel"). The Office Action objects to claims 5 and 6 as being dependent on a rejected base claim.

***Allowable Subject Matter***

Applicants thank the Examiner for acknowledging the allowable subject matter in the present Application. However, Applicants believe that claims 1-4 and 7 are also allowable and Applicants respectfully decline the opportunity to amend the claims to independent form at this time.

***Examiner's Response To Arguments Presented In May 23, 2006 Response***

The Examiner has not fully considered Applicants' previous arguments. Apparently, the Examiner believes that Applicants' arguments are based solely on the Abstract and lines 36-49 of col. 1 of Hershel. Final Office Action at Page 1, section 1. Such belief would be erroneous. Applicants provided citations to the Abstract and to col. 1, lines 26-49 of Hershel to show that the cited art is not relevant to the claims of the present Application. With more specificity, Applicants offered these citations to illustrate that, when taken in context, certain words used in Hershel did not support the rejections as suggested by the Examiner and that Hershel does not disclose every element of the claimed invention. For example, the word "deflect" is used once in Hershel, for the sole purpose of discussing the movement of probes from their rest position. The claims of the present Application require, *inter alia*, fiducial plate deflection and Hershel is absolutely silent on fiducial plate deflection.

Applicants informed the Examiner that "Hershel does not teach explicitly or impliedly measurement or combination of effects due to fiducial plate, probe card or probe card fixture deflection." Applicants' 5/23/2006 Response at Page 6. However, the Examiner has not addressed this deficiency of Hershel. The Examiner has yet to cite a passage in Hershel that explicitly or impliedly teaches fiducial plate deflection, probe card deflection and load compensated planarity calculations. Therefore, The Examiner should withdraw the Final Office Action, fully consider the Application on the merits and issue either a Notice of Allowance or a new Office Action.

***The Rejections Under 35 U.S.C. §102(e) Are Improper***

Hershel does not teach all elements of the claims. A cited prior art reference anticipates a claimed invention under 35 U.S.C. §102 only if every element of the claimed invention is identically shown in the single reference, arranged as they are in the claims. MPEP §2131; *In re Bond*, 910 F.2d 831, 832, 15 USPQ 2d 1566, 1567 (Fed. Cir. 1990). Each and every limitation of the claimed invention is significant and must be found in the single cited prior art reference. *In re Donohue*, 766 F.2d 531, 534, 226 USPQ 619, 621 (Fed. Cir. 1985). The elements of the claims are not identically shown in Hershel, arranged as they are in the claims.

Hershel does not does not teach, disclose, suggest or even make oblique reference to computing planarity effects due to fiducial plate deflection. Hershel uses the word “deflect” only in relation to movement of probe pins from an original position. Hershel, column 1, lines 26-49. Neither the word “deflect” nor any of its derivatives appears elsewhere in Hershel. Further, deflection of a fiducial plate is never mentioned, disclosed or implied in Hershel. Thus, Hershel does not teach the required computing planarity effects due to fiducial plate deflection.

Hershel does not does not teach, disclose, suggest or even make oblique reference to computing planarity effects due to probe card deflection. Hershel uses the word “deflect” only in relation to movement of probe pins from their original position. Hershel, column 1, lines 26-49. Neither the word “deflect” nor any of its derivatives appears elsewhere in Hershel. Further, deflection of a probe card is never mentioned, disclosed or implied in Hershel. Nothing in Hershel suggests, implies or even hints that the deflecting of probe pins is in any way related to, or causative of, probe card deflection. Thus, Hershel does not teach the required planarity effects due to probe card deflection.

Hershel does not does not teach, disclose, suggest or even make oblique reference to computing planarity effects due to probe card fixture deflection. Hershel uses the word “deflect” only in relation to movement of probe pins from their original position. Hershel, column 1, lines 26-49. Neither the word “deflect” nor any of its derivatives appears elsewhere in Hershel. Further, deflection of a probe card fixture is never mentioned, disclosed or implied in Hershel. Nothing in Hershel suggests, implies or even hints that the deflecting of probe pins is in any way related to, or causative of, probe card fixture deflection. Thus, Hershel does not teach the required combining planarity effects due to probe card deflection and due to probe card fixture deflection.

Finally, claim 1 requires calculating a load compensated planarity for said probe card responsive to said computing and said combining. Hershel is entirely silent regarding calculating a load compensated planarity for a probe card. "Load compensated planarity" is not disclosed, implied or suggested anywhere in Hershel. In Hershel the word "loading" is used only in connection with probes: specifically, "how the probe card probes will react to loading when at operating temperature." Hershel, col. 12, lines 49-54 with emphasis added. However, this use of probe loading bears no relationship to the calculation of a load compensated planarity for a probe card. Calculating a load compensated planarity for said probe card as required by claim 1 is not taught, suggested or implied in Hershel. Therefore, it should be readily apparent that Hershel does not teach the required combining planarity effects due to probe card deflection and probe card fixture deflection. Accordingly, Applicants request withdrawal of the rejections.

***The Citations To Hershel Do Not Support The Rejections Of The Claims***

The Examiner points to various passages in Hershel as supporting the rejection of the claims but even a cursory reading of these citations reveals that each and every citation fails to support the rejections. Applicants provide the following brief analysis.

The Examiner apparently believes that camera 40, fiduciary plate 50 and col. 6, lines 17-23 in Hershel teach the required computing planarity effects due to fiducial plate deflection. Such belief is ill-founded. Even assuming *arguendo* that the Examiner can legitimately construe the operation of Hershel's camera/electronic imaging device 40 and fiduciary plate 50 as somehow teaching computing, no explicit or implied disclosure of computing planarity effects or fiducial plate deflection can be found. Thus, the citation fails to support a rejection of the present claims. The cited passage merely describes an imaging system "for imaging tips 48 of probes on a fiduciary plate 50." Hershel col. 6, lines 17-23. As cited, Hershel discloses aspects of imaging probe tips and is not even directed to imaging the fiduciary plate. Consequently, nothing in these citations can be reasonably construed as teaching or suggesting planarity effects due to fiducial plate deflection as required in the claims.

The Examiner apparently believes that personal computer 14, probe card carrier 20, signal processing apparatus 24 and col. 5, lines 46-67 of Hershel teach combining planarity effects due to probe card deflection and due to probe card fixture deflection as required in claim 1. Such belief is ill-founded. Hershel's probe card carrier 20 is "suspended rigidly

over fiduciary plate 50.” Hershel col. 6, lines 24-26, with emphasis added. The word rigid means “deficient in, or devoid of flexibility.” Merriam Webster. Thus, Hershel’s inflexible probe card carrier would prevent deflection of probe card carrier and the carried probe card. Thus, as cited, Hershel offers no support for believing that Hershel teaches either probe card deflection or probe card fixture deflection. Further, the citation to column 5 of Hershel is even less supportive of the rejection. As cited by the Examiner, col. 5 includes a brief description of drawings numbered Fig. 14 and Fig. 15 and a partial description of a semiconductor probe card analysis and rework station. Hershel col. 5, lines 46-67. The citation is devoid of any description or suggestion of combining planarity effects due to probe card deflection and due to probe card fixture deflection. Furthermore, the mere presence of the terms “personal computer 14” and “signal processing apparatus 24” in Hershel does not justify the apparent belief that Hershel teaches explicitly or impliedly any part of combining planarity effects due to probe card deflection and due to probe card fixture deflection. The Examiner’s citations merely support the combination of a personal computer 14, a signal processing apparatus 24 and an indeflexible probe card carrier 20. Therefore, Hershel does not teach or suggest the required planarity effects due to probe card deflection or planarity effects due to probe card fixture deflection.

The Examiner apparently believes that personal computer 14 in the drawings and col. 8, lines 40-56 of Hershel teach calculating a load compensated planarity for said probe card, responsive to said computing and said combining, as required in claim 1. Such belief is ill-founded. Hershel contains no explicit or implicit disclosure of calculating a load compensated planarity for a probe card. Hershel’s mere mention of the presence of a personal computer and a description of an operation in which probe tips are contacted by a fiduciary tip cannot reasonably support an inference of calculating a load compensated planarity for a probe card. Hershel, col. 8, lines 40-56.

Therefore, independent claim 1 is improperly rejected because all elements of the claim are not identically shown in Hershel, arranged as they are in the claim. The rejections of dependent claims 2-4 and 7 are also improper because the support offered by the Examiner is at least as flawed as the support offered for claim 1. Consequently, Applicants respectfully request withdrawal of the rejections of claims 1-4 and 7.

CONCLUSION

All objections and rejections having been addressed, and in view of the foregoing, the claims are believed to be in form for allowance, and such action is earnestly solicited. The Examiner is kindly requested to contact the undersigned at the telephone number listed below if any points remain in issue which may be best resolved through a personal or telephone interview. Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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